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FEB 25 2004

Serial No. 10/050,092

OFFICIAL

Docket No. XEEE 2 13281

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	Bruce Defoor
For	:	PASTEL CARRIER
Serial No.	:	10/050,092
Filing Date	:	January 17, 2002
Gr. Art Unit	:	3728
Date of Last Office Action	:	December 3, 2003
Examiner	:	Shian Tinh Nhan Luong
Our Docket	:	XEEE 2 13281

REPLY TO OFFICE ACTION

Mail Stop No Fcc Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

In reply to the Office Action dated December 3, 2003, please amend the above-identified application as follows.

In re application of: DeFoor

Serial No: 10/050,092

Filed: January 17, 2002

For: Pastel Carrier

 Mail Stop No Fcc Amendment
 COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith is an amendment in the above-identified application.

The fee has been calculated as shown below.

Claims as Filed or Amended						
(1)	(2) Claims Filed or Remaining After Amendment	(3)	(4) Highest No. Previously Paid For	(5) Present Extra	(6) Rate	(7) Total Amount
Total Claims	14	Minus	** 33	-0-	\$9	-0-
Indep. Claims	3	Minus	*** 6	-0-	\$43	-0-
			Total Additional Fee For this Amendment --->			-0-

* If the entry in Column 2 is less than the entry in Column 4 write "0" in Column 5

** If the "Highest No. Previously Paid For" is less than 20 write "20".

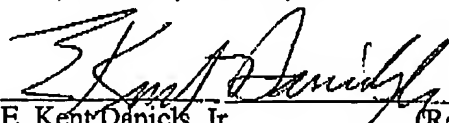
*** If the "Highest No. Previously Paid For" is less than 3 write "3".

A check in the amount of \$ -0- to cover the Filing Fee (and Assignment Recording Fee) is enclosed.

☒ General Authorization to Charge Deposit Account For All Required Fees, Fees Under 37 C.F.R. 1.17, or All Required Extension of Time Fees. Should any additional fees be required in connection with this application, during the entire pendency of the application, the Commissioner is authorized to charge any fees which may be required, or credit any overpayment to Account No. 06-0308. This transmission form is submitted in triplicate.


FAY, SHARPE, FAGAN, MINNICH & MCKEE, LLP

By:


 E. Kent Danicks, Jr. (Reg. No. 19,598)
 1100 Superior Avenue, Seventh Floor
 Cleveland, Ohio 44114
 Phone: 216-861-5582
 Fax: 216-241-1666

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

01-21-04


 (SIGNATURE)
 NANCY M. GRANS

FAY, SHARPE, FAGAN, MINNICH & MCKEE, LLP

1100 SUPERIOR AVENUE, SEVENTH FLOOR

CLEVELAND, OHIO 44114-2518

(216) 861-5582

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DATE:

2-25-04

TO:

USPTO Art Unit 3728

ATTENTION:

Examiner Luong

FACSIMILE NO.:

(703) 872-9306

FROM:

E. Kent Daniels, Jr.

RE:

S.N. 10/050, 092 De Foor

Total number of pages (including this cover sheet):

9

Please call us immediately at (216) 861-5582 if the telecopy you receive is incomplete or illegible.

Our facsimile numbers are (216) 241-1666 and (216) 241-5147.

Comments: ^{the copy of} As evidenced by applicant's return postcard submitted herewith, the amendment in response to the final rejection dated December 3, 2003 was received by the PTO January 26, 2004. A telephone call to the Group Receptionist February 18, 2004, inquiring about the status of the application indicated that the amendment had not been received in the GAU. Two telephone calls to the Customer Service Center, in an effort to locate the amendment, were not responded to by the Center.

The amendment cancels off of the non-allowed claims, thus placing the application in condition for allowance which is respectfully requested.

E. Kent Daniels, Jr. Attorney at Record

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